

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

LOCAL UNION NO. 313 OF THE INTERNATIONAL :
BROTHERHOOD OF ELECTRICAL WORKERS OF, :
WILMINGTON DELWARE HEALTH :
AND WELFARE FUND, et al. : Civil Action No.06 -037 (JJF)
Plaintiffs :
v. :
BAY ELECTRICAL SERVICES, LLC :
a/k/a Bay Electrical Services :
Defendant :

REQUEST TO ENTER DEFAULT PURSUANT TO F.R.C.P. 55(a)

You will please enter a default on Defendant, Bay Electrical Services, LLC a/k/a Bay Electrical Services ("Company" or “Defendant”), for its failure to plead or otherwise defend the Complaint filed on January 19, 2006 as provided in Rule 55(a) of the Federal Rules of Civil Procedure as appears in the attached declaration of Rick S. Miller, Esquire.

Respectfully submitted,

FERRY, JOSEPH & PEARCE, P.A.

By: /s/ Rick S. Miller

 RICK S. MILLER (#3418)
 824 Market St., Suite 904
 P.O. Box 1351
 Wilmington, DE 19899
 (302) 575-1555

Date: February 10, 2006

OF COUNSEL:

SANFORD G. ROSENTHAL

JESSICA L. TORTELLA

Jennings Sigmond, P.C.

The Penn Mutual Towers, 16th Floor

510 Walnut Street

Philadelphia, PA 19106

(215) 351-0611/0669

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Defendant :

DECLARATION OF RICK S. MILLER FOR ENTRY OF DEFAULT

RICK S. MILLER, Esquire, declares and states as follows:

1. I am the attorney for the Plaintiffs in the above-entitled action.
2. The Complaint and Summons in this action was served on the on Bay Electrical Services, LLC a/k/a Bay Electrical Services by Denorris Britt, Process Server, who served Gay Turner, Process Agent at SDM Robinson Corporate Agents, Company's Registered Agent, at 910 Foulk Road, Wilmington, DE, on January 20, 2006, as appears from the Affidavit of Service of the Complaint which has been duly docketed with the Court. The time in which the Defendant may answer or otherwise move as to the Complaint has expired.
3. The Defendant has not answered or otherwise moved and the time for Defendant to answer or otherwise move has not been extended.
4. Inasmuch as the Company is a corporation, it is not in the military service.

5. Defendant is neither an infant nor an incompetent person.

I declare under penalty of perjury in accordance
with 28 U.S.C. §1746 that the foregoing is true and
correct to the best of my knowledge, information
and belief

Date: February 10, 2006

/s/ Rick S. Miller

RICK S. MILLER, ESQUIRE (#3418)

CERTIFICATE OF SERVICE

I, Rick S. Miller, Esquire, state under penalty of perjury that I caused a copy of the foregoing Request to Clerk to Enter Default Pursuant to F.R.C.P. 55(a) to be served via first class mail, postage prepaid on the date and to the address below:

Bay Electrical Services, LLC
a/k/a Bay Electrical Services
809B Kiamensi Road
Wilmington, DE 19804

and

Bay Electrical Services, LLC
c/o SDM Robinson Corporate Agents
910 Foulk Road
Wilmington, DE

Date: February 10, 2006 /s/ Rick S. Miller
RICK S. MILLER, ESQUIRE (#3418)

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